

Docket No.: 066654-0622

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 41552
	:	
Lipton, Stuart A., et al.	:	Confirmation Number: 5845
	:	
Application No.: 09/876,187	:	Tech Center Art Unit: 1632
	:	
Filed: June 05, 2001	:	Examiner: Falk, Anne Marie
	:	
For: METHODS OF DIFFERENTIATING AND PROTECTING CELLS BY MODULATING THE P38/MEF2 PATHWAY		

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically-transmitted to the United States Patent and Trademark Office on Sept 17, 2009.
/s/Lori Ford/
Lori Ford

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated March 18, 2009, of the Primary Examiner finally rejecting claims 1-20 and 58-99.

Appeal Fee: \$270.00

☒ Charge to Deposit Account No. 502624.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Micheal L. Hebert/
Micheal L. Hebert
Registration No. 63,329

11682 El Camino Real, Suite 400
San Diego, CA 92130
Phone: 858.720.3300 MLH:llf
Facsimile: 858.720.7800
Date: September 17, 2009

**Please recognize our Customer No. 41552
as our correspondence address.**